

House Transportation Committee Amendment No. 1

Amendment No. 1 to HB2693

**Ridgeway
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2399*

House Bill No. 2693

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-401, is amended by adding the words "manufactured home, portable modular unit" immediately after the words "mobile home".

SECTION 2. Tennessee Code Annotated, Section 55-4-402, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-402. "Mobile home" for the purposes of this part means:

(1) A self-propelled or non-self-propelled vehicle, with a length exceeding thirty-five feet (35'), so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use thereof for human habitation, and so constructed to permit its being used as a conveyance upon public streets or highways; or

(2) Manufactured houses or portable modular units in excess of eight feet six inches (8'6") in width or when towing vehicle and manufactured home are in excess of sixty feet (60') in length.

SECTION 3. Tennessee Code Annotated, Section 55-4-403, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-403.

(a) Transport of mobile homes shall only take place between sunrise and sunset, Monday through Saturday, except for legal holidays as enumerated in § 15-1-101.

House Transportation Committee Amendment No. 1

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House Bill No. 2693

(b) Notwithstanding the provisions of subsection (a), transport of mobile homes eighty-five (85) feet or greater in length, or fourteen (14) feet or greater in width, or fourteen feet two inches (14'2") or greater in height, is prohibited in heavily traveled urban areas between the hours of seven o'clock a.m. (7:00 a.m.) to nine o'clock a.m. (9:00 a.m.) and four o'clock p.m. (4:00 p.m.) to six o'clock p.m. (6:00 p.m.).

(c) Notwithstanding any provision of law to the contrary, this section may be enforced using photo, video or other electronic proof of violation.

SECTION 4. Tennessee Code Annotated, Section 55-4-404, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-404. Any permit required under this part shall be issued in the name of the owner of the vehicle or the motor carrier used to transport the mobile home. The permit shall be displayed in the vehicle used to transport the mobile home so as to be visible from outside the vehicle and shall be produced for inspection upon request by a representative of any law enforcement agency. Short-term permits shall be valid for six (6) days from the date of issuance. Annual permits shall be valid for three hundred sixty-five (365) days from the date of issuance.

SECTION 5. Tennessee Code Annotated, Section 55-4-405, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-405.

House Transportation Committee Amendment No. 1

Amendment No. 1 to HB2693

**Ridgeway
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Time _____

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House Bill No. 2693

(a) A permit shall be required for the transport of any mobile home exceeding sixty feet (60') in length, including towing vehicle, except for vehicles being transported under an annual width permit, in which case a permit shall be required for the transport of any mobile home exceeding ninety feet (90') in length, including towing vehicle. Permits issued pursuant to this section shall be issued on a single trip basis.

(b) The fee for such permit shall be twenty-five dollars (\$25.00).

SECTION 6. Tennessee Code Annotated, Section 55-4-406, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-406.

(a) A permit shall be required for the transport of any mobile home exceeding eight feet six inches (8'6") in width. Transport of mobile homes exceeding 16 feet (16') in width shall not be permitted. Permits authorized pursuant to this section may be issued on either a short-term basis or an annual basis. Short-term permits shall be valid for six (6) days from the date of issuance. Annual permits shall be valid for three hundred sixty-five (365) days from the date of issuance.

(b) The fee schedule for permits issued pursuant to this section shall be as follows:

(1) For short-term, eight feet six inches (8'6") to fourteen feet (14') wide - fifty dollars (\$50.00);

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Amendment No. 1 to HB2693

Ridgeway
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Time _____

Clerk _____

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House Bill No. 2693

(2) For short-term, eight feet six inches (8'6") wide to sixteen feet (16') wide - one hundred dollars (\$100.00);

(3) For annual permit, eight feet six inches (8'6") to fourteen feet (14') wide - one thousand dollars (\$1,000.00);

(4) For annual permit, eight feet, six inches (8'6") to sixteen feet (16') wide - two thousand dollars (\$2,000.00).

SECTION 7. Tennessee Code Annotated, Section 55-4-407, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-407.

(a) A permit shall be required for the transport of any mobile home exceeding fourteen feet two inches (14'2") in height. Permits authorized pursuant to this section shall be issued on a short-term basis only and shall be accompanied by special routing instructions approved by the department of transportation.

(b) The fee for permits issued pursuant to this section shall be fifty dollars (\$50.00).

(c) The department of transportation shall make available, both in printed form and on the department's official web site, a list of the overpasses on public roads within the state that have a minimum clearance above the roadway below of less than fourteen feet six inches (14' 6"). The list shall be updated at least monthly on the web site and at least annually in the printed version. The department is authorized to

House Transportation Committee Amendment No. 1

Amendment No. 1 to HB2693

Ridgeway
Signature of Sponsor

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House Bill No. 2693

charge a fee for the printed list sufficient to offset the administrative cost of compiling, updating, printing and shipping the list.

SECTION 8. Tennessee Code Annotated, Section 55-4-408, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-408. Transport of mobile homes shall be subject to the provisions of § 55-7-205 pertaining to excess weight.

SECTION 9. Tennessee Code Annotated, Section 55-4-409, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-409. A permit is required for each category of size (height, width, length and/or weight) that is exceeded by the mobile home being transported, except as provided in § 55-4-405.

SECTION 10. Tennessee Code Annotated, Section 55-4-410, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-410.

(a) The department of transportation is authorized to promulgate rules and regulations prescribing safety precautions and equipment to be utilized by those transporting mobile homes subject to the provisions of this part.

(b) The transporter and the seller of the mobile home, if the seller is a different person or entity than the transporter, moving a mobile home that is subject to the provisions of this part shall have the affirmative duty to determine that:

House Transportation Committee Amendment No. 1

Amendment No. 1 to HB2693

Ridgeway
Signature of Sponsor

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Time _____

Clerk _____

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House Bill No. 2693

(1) The undercarriage for the manufactured home is equipped with adequate brakes that are operated from the towing vehicle; and

(2) The route traveled allows safe passage of the mobile home, based upon the height and width of the mobile home.

(c) The affirmative duty created pursuant to the provisions of this section shall be primarily the transporter's duty. The seller shall be secondarily liable. The affirmative duty to determine the safe passage may be met by use of a front escort vehicle having protrusions equal to the height and width of the mobile home.

SECTION 11. Tennessee Code Annotated, Title 55, Chapter 4, Part 4, is amended by adding the following language as a new, appropriately designated section:

Section 55-4-411.

(a) This part shall be administered by the department of transportation, which is authorized to promulgate rules and regulations for the administration of this part.

(b) The department of transportation may, by regulation, require, in conjunction with the issuance of an annual permit as provided for in this part, that the permit holder display a placard bearing the applicable permit number and such other information as required by the department.

(c) From the fees collected for the issuance of permits under this part, an amount equal to the expenses incurred by department of

House Transportation Committee Amendment No. 1

Amendment No. 1 to HB2693

Ridgeway
Signature of Sponsor

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Time _____

Clerk _____

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House Bill No. 2693

transportation in administering this program shall be allocated to the highway fund. The remaining balance shall be allocated to the general fund.

SECTION 12. Tennessee Code Annotated, Title 55, Chapter 4, Part 4, is amended by adding the following language as a new, appropriately designated section:

Section 55-4-412.

(a) Any person transporting a mobile home, manufactured house or house trailer, as defined in § 55-4-402, into or through this state, or over any street, road or highway of this state in violation of any provision of this part, commits a Class B misdemeanor punishable as follows:

(1) By a fine of two hundred fifty dollars (\$250) for the first offense in a twelve (12) month period;

(2) By a fine of five hundred dollars (\$500) for the second offense in a twelve (12) month period; and,

(3) By a fine of one thousand dollars (\$1,000) and a ninety (90) day revocation of any driver's license for the third or subsequent offense in a twelve (12) month period.

(b) Within thirty (30) days of conviction for a violation of this section, the clerk of the court of conviction shall give notice of such conviction to the department of transportation.

(c) Upon receipt of notice of a third violation in a twelve (12) month period, the department of transportation shall suspend the subject

House Transportation Committee Amendment No. 1

Amendment No. 1 to HB2693

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Time _____

Clerk _____

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AMEND Senate Bill No. 2399*

House Bill No. 2693

permit and the permit holder's privilege to obtain other permits under this part for a period of ninety (90) days from the date of receipt of the notice.

(d) This part may be enforced by the department of safety or local law enforcement agencies.

SECTION 13. Tennessee Code Annotated, Title 55, Chapter 4, Part 4, is amended by adding the following language as a new, appropriately designated section:

Section 55-4-413.

(a) The transporter of any mobile home, manufactured home or house trailer subject to the provisions of this part shall be liable for any and all damages resulting from the mobile home, manufactured home or house trailer striking a guardrail, bridge, concrete barrier, overhead structure or other obstruction while traveling on the public roads or highways of the state.

(b)

(1) If during transport, a mobile home, manufactured home or house trailer subject to the provisions of this part blocks traffic on a controlled-access facility as defined by § 54-16-101 because such vehicle cannot proceed due to height, width or length, the transporter thereof shall pay to the department of transportation a road user fee in the amount of one thousand dollars (\$1,000) and the department of transportation shall suspend the subject permit and the permit holder's privilege to obtain other permits under this

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Amendment No. 1 to HB2693

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House Bill No. 2693

part for a period of ninety (90) days from the date the department receives notice that the roadway was blocked. If the same permit holder blocks traffic on a controlled-access roadway a second time within eighteen (18) months from the date of the first occurrence, the transporter shall pay to the department of transportation the road user fee calculated by the department of transportation using the same formula it uses to calculate incentive payments on road construction projects.

(2) If the transporter fails to pay these fees within thirty (30) days of the date the road is blocked, its privilege to obtain permits under this part shall be suspended until payment is made. The department of transportation is authorized to take legal action to collect this fee.

(c) The transporter of any mobile home, manufactured home or house trailer subject to the provisions of this part shall maintain public liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence. Proof of that insurance shall be carried in the vehicle used to transport the mobile home.

(d) Notwithstanding any provision of law to the contrary, the state of Tennessee and any political subdivisions thereof shall be absolutely immune from liability for all damages resulting from a mobile home

House Transportation Committee Amendment No. 1

Amendment No. 1 to HB2693

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House Bill No. 2693

striking a guardrail, bridge, concrete barrier, overhead structure or other
obstruction while traveling on the public roads or highways of the state.

SECTION 14. For the purposes of promulgating rules and regulations, this act
shall take effect upon becoming a law, the public welfare requiring it. For all other
purposes, this act shall take effect October 1, 2002, the public welfare requiring it.